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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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May 1, 2020 May 15, 2020	June 1, 2020 June 15, 2020	June 30, 2020 June 30, 2020	July 30, 2020 July 30, 2020

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 3—Preapproval of Claims and Accounts**

EMERGENCY AMENDMENT

1 CSR 10-3.010 Preapproval of Claims/Accounts and Direct Deposit: Definitions/Examples. The commissioner is amending section (6).

PURPOSE: This amendment revises this rule to clarify the definition of an employee association.

EMERGENCY STATEMENT: This emergency amendment clarifies what was originally intended in this rule: that employee associations and labor unions are discrete classifications of vendors under this rule and section 33.103, RSMo. Emergency amendment of this rule is necessary to advance the public's welfare and the compelling governmental interests of conserving scarce taxpayer resources, preserving the legislature's delegated authority, and enhancing administrative efficiency as a conflict has arisen concerning whether single entities can be both a labor organization and an employee association, the resolution of which will advance the foregoing compelling interests, eliminate the conflict, and significantly reduce the potential liability of the Office of Administration relating to its decisions that a labor union which is an exclusive bargaining representative cannot also be an employee association and to cease the deduction of dues of labor unions without existing labor contracts in accordance with this rule.

The labor unions in question, who are exclusive bargaining representatives, have suggested that they qualify for dues deductions as employee associations under the existing rule, and while the Office of Administration strongly disagrees with their interpretation and additionally does not believe the labor unions have the ability to recover damages in any potential litigation, this emergency amendment will leave no doubt as to the proper qualifications for dues deductions once it is effective and will therefore resolve the conflict in favor of section 33.103's discretionary grant of authority to the Office of Administration and reduce the state's exposure to the threat of an adverse litigation result more than a proposed amendment alone. Emergency amendment of this rule is also necessary to preserve the compelling governmental interests of reduced administrative uncertainty and increased governmental efficiency by "organiz[ing] the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office" pursuant to section 37.010.4, RSMo. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commissioner believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment was filed February 11, 2020, becomes effective February 27, 2020, and expires August 24, 2020.

(6) The following are the requirements established to allow payroll deductions from employee compensation for authorized voluntary products:

(A) Definitions. The following terms and meanings apply to vendor payroll deductions:

1. Vendor - any private insurance carrier or company, a labor union, an employee association, or credit union;
2. Labor union - an exclusive state employee bargaining representative established in accordance with sections 105.500-105.530, RSMo;
3. Employee association - an organized group of state employees that has a written document, such as bylaws, which govern its activity, and that is not an exclusive bargaining representative for state employees established in accordance with sections 105.500-105.530, RSMo;
4. Credit union - a financial institution located in Missouri, which has a state charter and is insured by an agency of the United States government or credit union share guarantee corporation approved by the director of the Missouri Division of Credit Unions; and
5. Dues - a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association;

AUTHORITY: sections 33.030(3), 33.103, 370.395, and 536.023, RSMo 2016. Original rule filed Aug. 15, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 3, 2018, effective May 30, 2019. Emergency amendment filed Feb. 11, 2020, effective Feb. 27, 2020, expires Aug. 24, 2020. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection

entities more than five hundred dollars (\$500) in the time the emergency is effective.

EMERGENCY AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending section (2).

PURPOSE: This amendment ensures that the current rule language clearly includes the most recent publication of Part 300 to end of Title 9, the **Code of Federal Regulations** for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain "equal to" status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.

EMERGENCY STATEMENT: This emergency amendment is necessary to serve the compelling governmental interest to inform state agencies and the public of the most current adoption of Title 9 **Code of Federal Regulations** Parts 300 to end is incorporated into state regulation. The State Meat and Poultry Inspection (MPI) programs are required to operate in a manner and with authorities that are "at least equal to" the antemortem and postmortem inspection, re-inspection, sanitation, recordkeeping, and enforcement provisions as provided for in the Federal Meat Inspection Act and the Poultry Products Inspection Act. State MPI programs must stay current with and be able to explain how their programs are equal to FSIS regulations to ensure their rules are "at least equal to" USDA/FSIS and in compliance with federal regulations. Therefore, an amendment to clarify the most current federal meat and poultry inspection regulations are being incorporated by reference and provide enforcement authority in Missouri. This regulation applies to approximately thirty-six (36) state inspected meat and poultry establishments and one hundred fifty-five (155) custom exempt plants in Missouri, which as a whole, produces millions of dollars in Missouri's economy. This emergency amendment protects the public health, safety, and/or welfare under a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protection extended in the **Missouri and United States Constitutions**. The Department of Agriculture believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. This emergency amendment was filed February 11, 2020, becomes effective February 27, 2020, and expires August 24, 2020.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the **Code of Federal Regulations** (January 20**19/20**), herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, DC 20402-0001, phone: toll-free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 265.020, RSMo 2016. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Feb. 11, 2020, effective Feb. 27, 2020, expires Aug. 24, 2020. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 3—Preapproval of Claims and Accounts

PROPOSED AMENDMENT

1 CSR 10-3.010 Preapproval of Claims/Accounts and Direct Deposit: Definitions/Examples. The commissioner is amending section (6).

PURPOSE: This amendment revises this rule to clarify the definition of an employee association.

(6) The following are the requirements established to allow payroll deductions from employee compensation for authorized voluntary products:

(A) Definitions. The following terms and meanings apply to vendor payroll deductions:

1. Vendor [-]-any private insurance carrier or company, a labor union, an employee association, or credit union;

2. Labor union [-]-an exclusive state employee bargaining representative established in accordance with sections 105.500-105.530, RSMo;

3. Employee association [-]-an organized group of state employees that has a written document, such as bylaws, which govern its activity, **and that is not an exclusive bargaining representative for state employees established in accordance with sections 105.500-105.530, RSMo;**

4. Credit union [-]-a financial institution located in Missouri, which has a state charter and is insured by an agency of the United States government or credit union share guarantee corporation approved by the director of the Missouri Division of Credit Unions; and

5. Dues [-]-a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association;

AUTHORITY: sections 33.030(3), 33.103, 370.395, and 536.023, RSMo 2016. Original rule filed Aug. 15, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 3, 2018, effective May 30, 2019. Emergency amendment filed Feb. 11, 2020, effective Feb. 27, 2020, expires Aug. 24, 2020. Amended: Filed Feb. 11, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry, and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry, and Exotic Animals Entering Missouri. The director is amending section (14).

PURPOSE: This amendment sets requirements for dogs or cats imported from a foreign country.

(14) Dogs and Cats.

(B) Any person who transports a domestic dog or cat from a foreign country into Missouri shall provide the recipient with a copy of that animal's Certificate of Veterinary Inspection and when applicable, rabies vaccination information as prescribed in (14)(A) of this rule, not more than thirty (30) days after transfer of the dog or cat to the recipient.

(C) Any person who receives a domestic dog or cat from a foreign country into Missouri shall provide the state veterinarian with a copy of that animal's Certificate of Veterinary Inspection and when applicable, rabies vaccination information

as prescribed in (14)(A) of this rule, not more than thirty (30) days after acquisition of the dog or cat.

[(B)](D) All dogs and cats must be eight (8) weeks of age to enter into commerce.

AUTHORITY: section 267.645, RSMo [2000] 2016. This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 11, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Dr. Jean Schmidt, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection**

PROPOSED AMENDMENT

2 CSR 30-10.010 Inspection of Meat and Poultry. The director is amending section (2).

PURPOSE: This amendment ensures that the current rule language clearly includes the most recent publication of Part 300 to end of Title 9, the *Code of Federal Regulations* for the Missouri Meat and Poultry Inspection Program to be in compliance with federal regulations and maintain “equal to” status as determined by the United States Department of Agriculture/Food Safety and Inspection Service.

(2) The standards used to inspect Missouri meat and poultry slaughter and processing shall be those shown in Part 300 to end of Title 9, the *Code of Federal Regulations* (January [2019] 2020), herein incorporated by reference and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, DC, 20402-0001, phone: toll-free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 265.020, RSMo 2016. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Feb. 11, 2020, effective Feb. 27, 2020, expires Aug. 24, 2020. Amended: Filed Feb. 11, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri

Department of Agriculture, attn: Meat Inspection Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections**

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending the purpose and section (1).

PURPOSE: This amended rule is setting the inspection fees for Fiscal Year 2021 for milk produced on farms inspected by State Milk Board and milk imported from points beyond the limits of routine inspection.

PURPOSE: This rule complies with section 196.945, RSMo. to set inspection fees for Fiscal Year [2020] 2021 for milk produced on farms inspected by State Milk Board and milk imported from points beyond the limits of routine inspection.

(1) The inspection fee for Fiscal Year [2020] 2021 (July 1, [2019] 2020–June 30, [2020] 2021) shall be [five] four and a half cents ([5] 4.5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four and a [half] quarter cents ([4.5] 4.25¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 7, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement of support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Amy Luecke, PO Box 630, Jefferson City, MO 65102 or by email to amy.luecke@mda.mo.gov. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. A public hearing is scheduled for April 20, 2020 from 10 - 11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109 in State Milk Board Office.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer
Protection
Chapter 10—Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.020 NFPA Manual No. 54, National Fuel Gas Code. The commission is updating section (1).

PURPOSE: This amendment updates the newly adopted National Fire Protection Association publications.

(1) Standards contained in National Fire Protection Association

(NFPA) Manual No. 54, *National Fuel Gas Code, [2015] 2018* edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, are incorporated herein by reference. This rule does not incorporate any subsequent amendments or additions to the referenced material. The balance of this rule sets forth requirements for liquefied petroleum gas (LP gas) applications not covered in the manual. The scope of National Fire Protection Association (NFPA) Manual No. 54, *National Fuel Gas Code, [2015] 2018* edition, is to develop fire safety codes, standards, recommended practices, and manuals, as may be considered desirable, covering the installation of piping and appliances using fuel gases such as natural gas, manufactured gas, liquefied petroleum gas, and liquefied petroleum gas-air mixture.

AUTHORITY: sections 261.023.6.1, RSMo 2000,] and [section] 323.020, RSMo [Supp. 2012] 2016. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 14, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Propane Gas Commission, 4110 Country Club Drive, Suite 200, Jefferson City, Missouri 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer
Protection
Chapter 10—Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.040 NFPA Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*. The commission is updating section (1).

PURPOSE: The commission is amending the dates in sections (1) to reflect the adoption of the latest publication of NFPA 58.

(1) This rule incorporates by reference National Fire Protection Association (NFPA) Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases, [2017] 2020* edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, as the current standard for the storage and handling of liquefied petroleum gases (LP gas). This rule does not incorporate any subsequent amendments or additions to the referenced material

AUTHORITY: sections 261.023.6. and 323.020, RSMo [Supp. 2014] 2016. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 14, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.080 Definitions Relating to Institutions. The department is adding a new section to incorporate by reference the *Code of Federal Regulations* for purposes of determining eligibility for MO HealthNet.

PURPOSE: This amendment adds an incorporation by reference of the Code of Federal Regulations, pursuant to section 536.031, RSMo. Specifically, the amendment incorporates a Medicaid rule—42 CFR 435.1010—that defines the terms “public institution,” “inmate or resident of a public institution,” “patient,” and “medical institution.”

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(4) The provisions and definitions cited by this rule from the *Code of Federal Regulations* (CFR) are published on the Electronic Code of Federal Regulations (ECFR) website at https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5;node=42%3A44.0.1.1.6#se42.4.435_11010 and are hereby incorporated by reference and made part of this rule as published by the office of Federal Register, National Archives and Records Administration, Washington, DC 20408, February 6, 2020. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 207.022 and 660.017, RSMo 2016. Original rule filed May 13, 1948, effective May 23, 1948. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 7, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 112—Child Support Program, Medical Support

PROPOSED RULE

13 CSR 40-112.010 Establishing or Modifying to Include Medical Support Obligations

PURPOSE: This rule sets forth the Family Support Division's procedures for establishing medical support obligations or modifying existing orders to include medical support obligations in accordance with sections 454.600 and 454.603, RSMo Supp. 2019.

(1) For purposes of this rule, the following terms will be defined as:

(A) "Gross Income" means the amount of money earned prior to tax deductions and other mandatory or voluntary deductions.

(B) "Parent Seeking Support" means the person or state agency that will be entitled to receive support after the entry of a support order.

(C) "Parent Not Seeking Support" means the person who will be obligated to pay support after the entry of a support order.

(D) "Private Health Benefit Plan" means any benefit plan or combination of plans, other than public assistance programs, providing medical or dental care or benefits through insurance or otherwise, including, but not limited to, health service corporations, as defined in section 354.010; prepaid dental plans, as defined in section 354.700; health maintenance organization plans, as defined in section 354.400; and self-insurance plans, to the extent allowed by federal law.

(E) "Public Health Benefit Plan" means any benefit plan or combination of plans, providing medical or dental care that is funded under Title XIX or Title XXI of the Social Security Act.

(2) A health benefit plan through an employer or union will be considered reasonable if the cost of dependent coverage does not increase the current premiums of the parent who is to provide such coverage by more than five percent (5%) of that parent's gross income. In applying the five percent (5%) standard for the cost of health benefit plan coverage, the cost will be the difference between self-only coverage and family coverage, or the cost of adding the dependent(s) to existing coverage, whichever is applicable given the individual's available plan options. If the child(ren) is already covered by private health benefit plan coverage, the five percent (5%) standard does not apply.

(3) A private health benefit plan is accessible if the plan does not limit coverage to a specific geographical area; or the plan limits coverage to a geographical area and the child(ren) reside(s) within that geographical area.

(4) The parent seeking support and the parent not seeking support will cooperate with the division by providing necessary information to determine if health benefit plan coverage through an employer or union is reasonable and accessible. The parent seeking support and the parent not seeking support must provide information within thirty (30) days of the date of the request from the division. If only one (1) parent provides information, then the division will use the information provided by that parent or information from other sources.

(5) When establishing or modifying a medical support obligation, the division will—

(A) Determine if the parent not seeking support has the child(ren) covered by a private health benefit plan, and if so, the division will order that parent to provide health benefit plan coverage;

(B) If the parent not seeking support does not have the child(ren) covered by a private health benefit plan, the division will determine if the parent seeking support has the child(ren) covered under a private health benefit plan. If the parent seeking support does have the

child(ren) covered and wants to maintain such coverage, the division will order that parent to provide health benefit plan coverage;

(C) If neither parent maintains private health benefit plan coverage for the child(ren), the division will determine if the parent not seeking support has private health benefit plan coverage available at a reasonable cost. If the parent not seeking support has private health benefit plan coverage available at a reasonable cost that is accessible to the child(ren), the division will order that parent to provide health benefit plan coverage;

(D) If the parent not seeking support does not have private health benefit plan coverage available at reasonable cost, the division will determine if the parent seeking support has private health benefit plan coverage at a reasonable cost. If the parent seeking support has private health benefit plan coverage available at a reasonable cost that is accessible to the child(ren), the division will order that parent to provide health benefit plan coverage;

(E) If neither parent has private health benefit plan coverage available at a reasonable cost that is accessible to the child(ren) and the parent seeking support has the child(ren) on public health benefit plan coverage, the division will order the parent not seeking support to pay a percentage of uncovered costs of the child(ren)'s necessary medical care. The percentage will be determined by using that parent's percentage as set forth in line 4 of the Form 14 calculated by the division or if the division does not calculate a Form 14 then the division will order fifty percent (50%). If the parent not seeking support does not pay the percentage of the reasonable costs of the child(ren)'s necessary medical care as ordered, and a court has entered a sum-certain judgment regarding the amount the parent owes for the child(ren)'s necessary medical care, the division will collect the judgment amount; and

(F) If neither parent has private health benefit plan coverage available at a reasonable cost that is accessible to the child(ren) and the child(ren) are not enrolled in public health benefit plan, the division will order the parent not seeking support to pay a percentage of reasonable costs of the child(ren)'s necessary medical care. The percentage will be determined by using that parent's percentage as set forth in line 4 of the Form 14 calculated by the division or if the division does not calculate a Form 14 then the division will order fifty percent (50%). If the parent not seeking support does not pay the percentage of the reasonable costs of the child(ren)'s necessary medical care as ordered, and a court has entered a sum-certain judgment regarding the amount the parent owes for the child(ren)'s necessary medical care, the division will collect the judgment amount.

AUTHORITY: sections 207.022, 454.400, and 660.017, RSMo 2016. Original rule filed Feb. 7, 2020.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 25—Physician Program

PROPOSED RULE

13 CSR 70-25.130 Diabetes Prevention Program

PURPOSE: The purpose of this rule is to establish the Department of Social Services' MO HealthNet Division guidelines regarding coverage and reimbursement for Diabetes Prevention Program services. The goal of this policy is to improve health outcomes for the adult population at risk for developing diabetes by managing obesity and associated co-morbidities.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Administration. The Diabetes Prevention Program (DPP) shall be administered by the MO HealthNet Division. The diabetes prevention program services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the MO HealthNet *Physician Provider Manual*, which is incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website <http://manuals.momed.com/manuals/>, December 27, 2019. This rule does not incorporate any subsequent amendments or additions. Diabetes Prevention Program services covered by the MO HealthNet program shall include only those which are clearly shown to be medically necessary.

(A) In the administration of the rule, "Diabetes Prevention Program" or "DPP" means a structured, lifestyle change program specifically developed and recognized by the Centers for Disease Control and Prevention (CDC) to prevent type 2 diabetes. The program is intended for people who have prediabetes or are at risk for type 2 diabetes, but who do not already have diabetes, to promote lifestyle changes that decrease the progression to type 2 diabetes. The program services include group support and lifestyle changes such as eating healthier foods, reducing stress, and increasing physical activity.

(2) Provider Participation. To be eligible for participation as a provider in the MO HealthNet Diabetes Prevention Program—

(A) DPP service providers must be enrolled as MO HealthNet providers; and

(B) DPP service providers must have pending, preliminary, or full recognition status from the CDC's Diabetes Prevention Recognition Program. The CDC regulates the standards needed for recognition.

(3) Participant Criteria. Any person who is an eligible Missouri Medicaid participant who meets the following criteria shall be eligible to receive these services:

(A) Be twenty-one (21) years old or older;

(B) Not currently pregnant;

(C) Have, as of the date of attendance at the first core session, a BMI equal to or greater than twenty-five (25) or twenty-three (23) if of Asian descent;

(D) Have no previous diagnosis of type one (1) or two (2) diabetes with the exception of gestational diabetes;

(E) Have, within the last twelve (12) months—

1. Hemoglobin A1C test with a value of five and seven-tenths percent (5.7%) to six and four-tenths percent (6.4%);

2. A fasting plasma glucose of one hundred (100) mg/dl to one hundred twenty-five (125) mg/dl; or

3. Two (2) hour plasma glucose of one hundred forty (140) to one hundred ninety-nine (199) mg/dl after the seventy-five (75) oral glucose tolerance test; and

(F) Not concurrently receiving authorization for other MO

HealthNet reimbursed weight reduction services.

(4) Diabetes Prevention Program Services.

(A) DPP Services are structured interventions that include lifestyle, behavior-counseling focusing on weight reduction and lifestyle changes. A prescriber provider's referral, utilizing the eligibility criteria set forth by the CDC, is required for the participant to be eligible for this program. The prescribing provider will need to prescribe the service in the participant's plan of care during a regular office visit. A prescribing provider is defined as a physician or other licensed practitioner of healing arts within the scope of authorized practice under state law.

1. DPP core services period that includes a twelve (12) month period of intervention with a minimum of twenty-two (22) sessions and a maximum of twenty-six (26) sessions.

A. During months one (1) through six (6) of the DPP core services period, DPP service providers will be required to provide a minimum of sixteen (16) weekly sessions utilizing CDC-approved DPP core module curriculum.

(I) This curriculum provides counseling that focuses on, but is not limited to, information about Type Two (2) Diabetes and how to prevent it; self-monitoring weight and food intake; healthy eating; introduction to physical activity; dealing with lifestyle changes; developing lasting lifestyle changes; and stress management.

B. During months seven (7) through twelve (12) of the DPP core services period, DPP service providers will be required to provide a minimum of six (6) monthly sessions utilizing CDC-approved DPP core maintenance module curriculum.

(I) This curriculum provides counseling that focuses on maintaining long-term dietary changes, increased physical activity, and behavior change strategies for continued weight loss.

C. DPP core services period also includes, but is not limited to, weight monitoring and tracking, physical activity tracking, and caloric intake tracking as required.

D. The prescribing provider will need to seek prior authorization for the first twelve (12) months of the diabetes prevention program from MO HealthNet prior to starting the program.

2. DPP ongoing maintenance period includes access to one (1) year of ongoing maintenance sessions to eligible participants.

A. The ongoing maintenance sessions are done in three- (3-) month intervals for a maximum of four (4) sessions during months thirteen (13) through twenty-four (24).

B. In order to qualify for the ongoing maintenance sessions after the initial twelve (12) month program, the participant must achieve and maintain a minimum weight loss of five percent (5%) at the end of the first twelve (12) months.

C. For participants that are eligible for the ongoing maintenance sessions, the prescribing provider must seek an additional prior authorization from MO HealthNet for the additional twelve (12) months of ongoing maintenance sessions.

(B) Additional diabetes prevention services, including core sessions and ongoing maintenance sessions beyond the initial allocation must be requested and will need to go through the prior authorization process and must be deemed medically necessary.

(C) A participant that is unable to meet and/or maintain the criteria for the additional twelve (12) months of ongoing maintenance sessions has the option, after twelve (12) months, to re-enroll in the diabetes prevention program starting with the first twelve (12) months if the participant meets the established criteria and has an approved prior authorization.

(5) Records Retention and Documentation Requirements.

(A) Providers who provide Diabetes Prevention Program services shall follow section 13 CSR 70-3.030.

(B) The DPP provider must retain the prescribing provider's referral with approved prior authorization from MO HealthNet.

(C) The DPP provider must complete and retain an evaluation at

the end of twelve (12) months to determine the appropriateness for continuation to the ongoing maintenance services.

(D) Once the services are complete, the prescribing provider shall maintain a treatment record outlining how the participant will maintain weight loss.

AUTHORITY: sections 208.201 and 660.017, RSMo 2016. Original rule filed Feb. 7, 2020.

PUBLIC COST: The total cost for the first year of the program is estimated to be four hundred forty-five thousand two hundred ninety dollars (\$445,290) (General Revenue—one hundred fifty-five thousand two hundred fifty-nine dollars (\$155,259) and Federal—two hundred ninety thousand thirty-one dollars (\$290,031)). The cost of the second year is estimated to be three hundred seventy-one thousand nine hundred twenty-five dollars (\$371,925) (General Revenue—one hundred twenty-nine thousand six hundred seventy-nine dollars (\$129,679) and Federal—two hundred forty-two thousand two hundred forty-six dollars (\$242,246)).

PRIVATE COST: The total annual private cost is estimated to be forty-eight thousand seventy dollars (\$48,070).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title:** Title 13 - Department of Social Services
- Division Title:** Division 70 – MO HealthNet Division
- Chapter Title:** Chapter 25 – Physician Program

Rule Number and Name:	13 CSR 70-25.130 Diabetes Prevention Program for Adults
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Division	Annual Fiscal Year Cost – Year One \$445,290 Year two Cost - \$371,925

III. WORKSHEET

The total estimated cost for the first year of the program will be \$445,290 (GR \$155,259 Federal \$290,031).

The second year is estimated to cost \$371,925 (GR \$129,679 Federal \$242,246).

IV. ASSUMPTIONS

There is a potential for cost avoidance with implementation of Diabetes Prevention Program Services. The cost avoidance for the first year is estimated to be \$623,040 and \$1,127,244 for the second year. The assumption of the department is that the amount of cost avoidance will offset the cost of the services.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 13 – Department of Social Services
Division Title: Division 70 – MO HealthNet Division
Chapter Title: Chapter 25 – Physician Program

Rule Number and Title:	13 CSR 70-25.130 Diabetes Prevention Program for Adults
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
50	Lifestyle Coaches for Diabetes Prevention Program	Annual Cost: \$48,070

III. WORKSHEET

The estimated total annual private cost will be \$48,070.

IV. ASSUMPTIONS

Cost Assumptions for training lifestyle coaches for diabetes prevention program providers

Training and Supervision by Subject Matter Experts	\$34,450
Travel, lodging and meals	\$13,620
Total Cost	\$48,070

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2095—Committee for Professional Counselors
Chapter 3—Professional Responsibility

PROPOSED AMENDMENT

20 CSR 2095-3.015 Client Welfare. The committee is amending sections (1) and (7).

PURPOSE: This rule is being amended to address the need for a client or patient to understand the parameters of distance based counseling.

(1) Before beginning a therapeutic relationship, a counselor shall explain and document the following elements of informed consent:

(G) Limits to confidentiality regarding individual, couple, family, and group therapy; *[and]*

(H) If utilized, taping or recording of sessions, and how the tapes will be used and stored.; *and*

(I) When using technology in the course of providing professional counseling, how such technology is in compliance with federal and state legal and ethical requirements.

(7) A counselor providing therapeutic services to a client shall maintain records that include the following:

(A) Informed consent as defined in *[subsections (1)(A)–(H)]* **section (1)**;

AUTHORITY: section[s] 337.520, *RSMo Supp. 2019*, and section 337.525, *RSMo [2000] 2016*. This rule originally filed as 4 CSR 95-3.015. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-3.015, effective Aug. 28, 2006. Amended: Filed Feb. 14, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Committee for Professional Counselors, PO Box 1335, 3605 Missouri Boulevard, Jefferson City, MO 65102-1335, by facsimile at (573) 751-0018, or via email at profcounselor@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED RULE

20 CSR 2220-2.710 Pharmacy Technician and Intern Pharmacist Supervision

PURPOSE: This rule defines the required supervision for pharmacy technicians and intern pharmacists.

(1) Pharmacy technicians and intern pharmacists may assist a pharmacist in the practice of pharmacy as authorized by Chapter 338, RSMo, and the rules of the board, provided delegated tasks are per-

formed under the direct supervision of a pharmacist. Direct supervision means supervision by a Missouri licensed pharmacist who is readily and immediately available at all times the delegated tasks are being performed and who provides personal assistance, direction, and approval throughout the time the delegated tasks are being performed. “Readily and immediately available” means the pharmacist and pharmacy technician(s) or intern pharmacists are on the same physical premises, or if not, technology is used to communicate with and observe the pharmacy technician and intern pharmacist, as authorized in section (2).

(2) Use of Technology. Except as otherwise provided by law or regulation, technology may be used to directly supervise a pharmacy technician and intern pharmacist, provided:

(A) Sufficient technology is available to allow communication between the pharmacist and the pharmacy technician or intern pharmacist in a manner that is sufficient to provide the personal assistance, direction, and approval required to verify and ensure delegated tasks are safely and properly performed. Technicians and intern pharmacists may not be supervised as authorized by this subsection if the required technology is not operating or available;

(B) All applicable state and federal laws are fully observed, including, but not limited to, all applicable privacy and confidentiality laws;

(C) The pharmacy technician or intern pharmacist has completed employer approved training in the activities performed and has an initial and annual documented assessment of competency. Documentation of the completed training and competency assessment must be maintained in the pharmacy’s records for a minimum of two (2) years and provided to the board or the board’s designee upon request; and

(D) The supervising pharmacist and the permit holder must maintain a sufficient audit trail of prescription/medication order data entry and modifications to a patient record performed by a pharmacy technician or intern pharmacist being supervised as authorized by this subsection. The record must include the identity of the pharmacy technician or intern pharmacist performing the data entry or modification and must be maintained in the pharmacy’s records for a minimum of five (5) years.

(3) The supervising pharmacist and permit holder shall retain responsibility for activities delegated to a pharmacy technician or intern pharmacist.

(4) Nothing in this rule shall override the provisions of 20 CSR 2220-2.010.

AUTHORITY: sections 338.010 and 338.140, *RSMo Supp. 2019*, and sections 338.013, 338.035, and 338.280, *RSMo 2016*. Original rule filed Feb. 7, 2020.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED RULE

20 CSR 2220-2.725 Remote Data Entry

PURPOSE: This rule authorizes and establishes requirements for remote data entry sites.

(1) Definitions.

(A) “Remote Data Entry Sites”—A remote site located in Missouri that is operated by a Missouri licensed pharmacy and used by a pharmacy technician or intern pharmacist to electronically perform non-dispensing data entry functions, including, but not limited to, obtaining, entering, validating, or processing patient information or data.

(B) “Supervising Pharmacy”—A Missouri licensed pharmacy that is physically located in Missouri and responsible for operating a remote data entry site.

(2) Licensing.

(A) “Remote Data Entry Sites”—A permit is not required for a remote data entry site. The site shall be deemed part of and operating under the supervising pharmacy’s permit. The supervising pharmacy must maintain an address listing of all remote data entry sites in operation which must be made immediately available upon request of the board or the board’s authorized designee.

(3) Remote data entry sites must be safely operated in compliance with applicable state and federal law. The supervising pharmacy is responsible for all pharmacy operations at the remote data entry site. No medication or medical device may be located at or dispensed from a remote data entry site.

(A) Adequate security and supervision must be maintained at all times to prevent unauthorized access to the remote data entry site and equipment. Confidential records must be securely maintained to prevent unauthorized access to, and unauthorized storage/transfer of, confidential information. Any breach in the security of the remote data entry site equipment or confidential records must be documented and reported to the board in writing within seven (7) days of the breach. Paper patient or prescription records may not be generated, located, or maintained at a remote data entry site.

(B) Except as otherwise provided by state and federal requirements, the remote data entry site and the supervising pharmacy must share a common database or prescription record-keeping system that allows real-time, online access to relevant patient profile information by both the supervising pharmacy and the remote site. The identity of the pharmacy technician or intern pharmacist responsible for remotely entering, validating, or modifying data at a remote data entry site must be electronically documented/recorded in the pharmacy’s records and maintained for a minimum of five (5) years.

(C) Pharmacy technicians and intern pharmacists operating at a remote data entry site must be competent in the duties performed. At a minimum, technicians and intern pharmacists must have completed employer approved training in the activities performed remotely and must have an initial and, if applicable, annual documented assessment of competency. Documentation of the completed training and competency assessment must be maintained in the pharmacy’s records for a minimum of two (2) years and provided to the board or the board’s designee upon request;

(D) A sufficient mechanism must be in place to allow communication between the supervising pharmacist and pharmacy technician or intern pharmacist when needed. A pharmacist must be available to respond to technician/intern pharmacist questions at all times a remote data entry site is in operation and must provide the personal

assistance, direction, and approval required to verify and ensure delegated tasks are safely and properly performed. Non-dispensing data entry functions may not be performed by a pharmacy technician or intern pharmacist at a remote data entry site if the required real-time communication mechanism is not operating or available.

(E) Remote data entry sites may be inspected by the board as authorized by law. Notification by the inspector will be provided to the supervising pharmacy a minimum of seventy-two (72) hours ahead of the scheduled inspection. The supervising pharmacy permit holder must arrange for a designated representative to be present that is not a resident of the location under inspection.

(4) Policies and Procedures. The supervising pharmacy must establish written policies and procedures governing all aspects of operation of a remote data entry site that are reviewed annually by the pharmacist-in-charge. At a minimum, policies and procedures must include authorized technician and intern pharmacist activities, site security procedures and requirements, reporting security breaches, quality assurance review procedures, and staff education/training. The annual policy and procedure review date must be documented in the pharmacy’s records.

AUTHORITY: sections 338.010 and 338.140, RSMo Supp. 2019, and sections 338.013, 338.035, and 338.280, RSMo 2016. Original rule filed Feb. 7, 2020.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 6—Pharmaceutical Care Standards**

PROPOSED AMENDMENT

20 CSR 2220-6.055 Non-Dispensing Activities. The board is amending sections (2), (4), and (6).

PURPOSE: This amendment establishes requirements for pharmacy technicians assisting pharmacists with non-dispensing activities authorized by the rule outside of a Missouri licensed pharmacy.

(2) Confidentiality. A pharmacist, **pharmacy technician, or intern pharmacist** performing non-dispensing activities pursuant to this rule shall comply with all applicable state and federal confidentiality laws and regulations *[and shall provide]*. *[s]*/Sufficient storage and security for confidential documents and electronic data processing hardware **must be provided by the pharmacy permit holder or the pharmacist**. In addition, data processing systems must utilize sufficient security software to ensure confidentiality and prevent unauthorized access. Any breach in the security or confidentiality of the data processing systems or confidential documents shall be documented and reported to the board in writing within seven (7) days of the breach.

(4) A pharmacist, **pharmacy technician, or intern pharmacist** performing non-dispensing activities pursuant to this rule shall ensure compliance with Chapter 338, RSMo, and the rules of the board at all times. Nothing in this rule shall be construed to eliminate or otherwise exempt any pharmacist, **pharmacy technician, intern pharmacist, or pharmacy permit holder** from the record-keeping, confidentiality, or security requirements otherwise imposed by Chapter 338, RSMo, or the rules of the board. Violations of this section shall constitute grounds for discipline.

[(6) A pharmacy permit shall be required for performing non-dispensing activities if the pharmacist is using a pharmacy technician to assist in the practice of pharmacy at the location where non-dispensing activities are being performed, provided that a pharmacy permit shall not be required for sites used solely by the pharmacist for administering vaccines as authorized by Chapter 338, RSMo, and the rules of the board. Pharmacy technicians shall only be authorized to work under the direct supervision of a pharmacist as provided by section 338.013, RSMo, and 20 CSR 2220-2.700.]

(6) A pharmacy technician and intern pharmacist may be used to assist a pharmacist with non-dispensing activities outside of a pharmacy subject to the following:

(A) The pharmacy technician/intern pharmacist must be under the direct supervision of a Missouri licensed pharmacist as required by 20 CSR 2220-2.710. The supervising pharmacist must ensure pharmacy technician/intern pharmacist activities comply with state and federal law and must provide the personal assistance, direction, and approval required to verify and ensure delegated non-dispensing activities are safely and properly performed;

(B) The pharmacy technician or intern pharmacist must have completed employer approved training in the activities performed and have an initial and, if applicable, annual documented assessment of proficiency. Documentation of the completed training and proficiency assessment must be maintained in the pharmacy's records for a minimum of two (2) years and provided to the board or the board's designee upon request;

(C) A sufficient mechanism must be in place to allow real-time communication between a pharmacist and the technician/intern pharmacist when needed. A pharmacist must be available to respond to pharmacy technician/intern pharmacist questions at all times non-dispensing activities are being performed; and

(D) Adequate security and supervision must be maintained at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records.

(E) The provisions of this section (6) do not apply to technicians or intern pharmacists engaged in delivering filled prescriptions/medication orders on behalf of the pharmacy as authorized by 20 CSR 2220-2.013.

AUTHORITY: sections 338.010 and [338.220] 338.140, RSMo Supp. [2009] 2019, and sections [338.140] 338.035 and 338.220, RSMo [2000] 2016. Emergency rule filed Oct. 23, 2009, effective Nov. 2, 2009, expired April 30, 2010. Original rule filed Oct. 22, 2009, effective June 30, 2010. Amended: Filed Feb. 7, 2020.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under sections 209.292 and 209.295, RSMo 2016, the commission amends a rule as follows:

5 CSR 100-200.047 Provisional Certification (aka Learner's Permit) **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3192). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission of the State

of Missouri under sections 536.023(3) and 644.026, RSMo 2016, the commission amends a rule as follows:

10 CSR 20-6.020 Public Participation, Hearings, and Notice to Governmental Agencies **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 2, 2019 (44 MoReg 2290). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 9, 2019, and the public comment period ended November 12, 2019. At the public hearing, department staff explained the proposed amendment. No comments were made at the public hearing. The department did not receive any comments during the public comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-2.015 Code/Standards Adopted by Board **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3023-3024). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.050 New Installations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3024-3025). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.055 Code Additions, Amendments and Interpretations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3025). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3026-3031). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.070 Accessibility to the Disabled **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3031). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.080 Alterations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3031-3034). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.090 Inspection and Testing **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3034). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.120 Inspectors **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3034-3036). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under sections 701.355 and 701.377, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-5.170 Elevator Mechanic License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3036). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 7—Blasting**

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 319.306, RSMo 2016, the Division of Fire Safety amends a rule as follows:

11 CSR 40-7.010 Blasting—Licensing, Registration, Notification, Requirements, and Penalties is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3037-3040). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2016, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3045-3050). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 2—Administrative Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees' Retirement System (LAGERS) under section 70.605.21, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3066). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2019, the office amends a rule as follows:

20 CSR 2040-4.015 Promoters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3068-3069). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2233—State Committee of Marital and Family
Therapists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family Therapists under section 337.727, RSMo Supp. 2019, the committee amends a rule as follows:

20 CSR 2233-1.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3070-3072). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area**

IN ADDITION

**10 CSR 10-2.230 Control of Emissions From Industrial Surface
Coating Operations**

The most recent amendment to 10 CSR 10-2.230 filed June 27, 2018, and published in the August 1, 2018 issue of the *Missouri Register* (43 MoReg 2042-2046) contains a typographical error. The order of rulemaking was in the February 1, 2019 issue of the *Missouri Register* (44 MoReg 574-575). The updated rule, including the error, was published in the February 28, 2019 update to the *Code of State Regulations*, and effective March 30, 2019.

The error occurred in paragraph (1)(C)11., which was newly added language to the rule when being amended. The reference to the *Code of Federal Regulations* 49 CFR 59 subpart D is incorrect and non-existent. The correct and relevant reference is 40 CFR 59 subpart D. This typographical error will be correct in the March 31, 2020 update to the *Code of State Regulations*.

The department intends to submit a copy of this In Addition publication in the *Missouri Register* and a copy of the corrected rule published in the *Code of State Regulations* to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for May 4, 2020. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

02/20/2020

#5767 RS: Valley Park West
California (Moniteau County)
\$649,000, Add 10 RCF beds to existing 24-bed facility

02/21/2020

#5770 HS: Mercy Rehabilitation Hospital
St. Louis (St. Louis County)
\$36,723,825, Establish 50-bed rehabilitation hospital

#5773 RS: Webwood Assisted Living
Neosho (Newton County)
\$0, Add 6 ALF beds to existing 25-bed ALF

#5754 HS: Saint Luke's North Hospital
Kansas City (Platte County)
\$2,083,000, Acquire surgical robotic system

#5769 HS: Research Medical Center
Kansas City (Jackson County)
\$3,231,870, Add additional hybrid operating room (OR)

#5774 RS: New Hope Assisted Living
Poplar Bluff (Butler County)
\$976,000, Establish 15-bed ALF

#5757 HS: SSM Health Saint Louis
St. Louis (St. Louis City)
\$8,125,974, Add additional equipment (2 CT units, 1 MRI, 2 BiPlanes and a Hybrid OR)

#5777 NS: The Pointe at Maplebrook
Farmington (St. Francois County)
\$2,621,336, Add 30 SNF beds to CON project #5588 NS

#5775 HS: Missouri Baptist Medical Center
St. Louis (St. Louis County)
\$2,980,653, Add additional MRI unit

#5776 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$1,585,000, Add additional CT unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by March 25, 2020. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alison Dorge at
alison.dorge@health.mo.gov.